

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

273P0537

## SENATE BILL NO. 121

Introduced by: Senators Heidepriem, Bartling, Hanson (Gary), Hoerth, Jerstad, Katus, Maher, Peterson (Jim), and Two Bulls and Representatives Halverson, Ahlers, Bradford, and Engels

1 FOR AN ACT ENTITLED, An Act to revise the definition of trans-state transmission facility.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 49-41B-2 be amended to read as follows:

4 49-41B-2. Terms as used in this chapter mean:

5 (1) "AC/DC conversion facility," an asynchronous AC to DC to AC tie that is directly  
6 connected to a transmission facility or a facility that connects an AC transmission  
7 facility with a DC transmission facility or vice versa;

8 (2) "Associated facilities," facilities which include, aqueducts, diversion dams,  
9 transmission substations of two hundred fifty kilovolts or more, storage ponds,  
10 reservoirs, or cooling ponds;

11 (3) "Commission," the Public Utilities Commission;

12 (4) "Construction," any clearing of land, excavation, or other action that would affect the  
13 environment of the site for each land or rights of way upon or over which a facility  
14 may be constructed, but not including activities incident to preliminary engineering



1 or environmental studies;

2 (5) "Energy conversion facility," any new facility, or facility expansion, designed for or  
3 capable of generation of one hundred megawatts or more of electricity, but does not  
4 include any wind energy facilities;

5 (6) "Facility," any energy conversion facility, AC/DC conversion facility, transmission  
6 facility, or wind energy facility, and associated facilities;

7 (7) "Permit," the permit issued by the commission under this chapter required for the  
8 construction and operation of a facility;

9 (8) "Person," an individual, partnership, limited liability company, joint venture, private  
10 or public corporation, association, firm, public service company, cooperative,  
11 political subdivision, municipal corporation, government agency, public utility  
12 district, or any other public or private entity, however organized;

13 (9) "Siting area," that area within ten miles in any direction of a proposed energy  
14 conversion facility, AC/DC conversion facility, or which is determined by the  
15 commission to be affected by a proposed energy conversion facility;

16 (10) "Trans-state transmission facility," ~~an electric transmission line~~ a transmission  
17 facility, as defined in § 49-41B-2.1, and its associated facilities ~~which that~~ that originates  
18 outside the State of South Dakota, crosses this state and terminates outside the State  
19 of South Dakota; and which ~~transmission line and associated facilities~~ delivers for  
20 use in the State of South Dakota an amount of ~~electric power and energy of or other~~  
21 products specified in § 49-41B-2.1 that is ~~twenty-five percent or less of the design~~  
22 capacity of such line and facilities for use in the State of South Dakota ~~the~~  
23 transmission facility;

24 (11) "Utility," any person engaged in and controlling the generation or transmission of

1 electric energy and gas or liquid transmission facilities as defined by § 49-41B-2.1;  
2 (12) "Wind energy facility," a new facility, or facility expansion, consisting of a  
3 commonly managed integrated system of towers, wind turbine generators with  
4 blades, power collection systems, and electric interconnection systems, that converts  
5 wind movement into electricity and that is designed for or capable of generation of  
6 one hundred megawatts or more of electricity. A wind energy facility expansion  
7 includes the addition of new wind turbines, designed for or capable of generating  
8 twenty-five megawatts or more of electricity, which are to be managed in common  
9 and integrated with existing turbines and the combined megawatt capability of the  
10 existing and new turbines is one hundred megawatts or more of electricity. The  
11 number of megawatts generated by a wind energy facility is determined by adding the  
12 nameplate power generation capability of each wind turbine.